



# Senate

General Assembly

**File No. 87**

February Session, 2022

Substitute Senate Bill No. 166

*Senate, March 23, 2022*

The Committee on Public Safety and Security reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE PERIOD OF SERVICE OF AN ACTING BUILDING OFFICIAL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-260 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) The chief executive officer of any town, city or borough, unless  
4 other means are already provided, shall appoint an officer to administer  
5 the code for a term of four years and until [his] a successor qualifies and  
6 quadrennially thereafter shall so appoint a successor. Such officer shall  
7 be known as the building official. Two or more communities may  
8 combine in the appointment of a building official for the purpose of  
9 enforcing the provisions of the code in the same manner. The chief  
10 executive officer of any town, city or borough, upon the death,  
11 disability, dismissal, retirement or revocation of licensure of the  
12 building official, may appoint a licensed building official as the acting  
13 building official for a [single] period not to exceed one hundred eighty  
14 days, with an option to extend such appointment for an additional one-  
15 hundred-eighty-day period or until a permanent successor building  
16 official is appointed, whichever is earlier.

17 (b) Unless otherwise provided by ordinance, charter or special act, a  
 18 local building official who fails to perform the duties of [his] the office  
 19 may be dismissed by the local appointing authority and another person  
 20 shall be appointed in [his] the official's place, provided, prior to such  
 21 dismissal, such local building official shall be given an opportunity to  
 22 be heard in [his] the official's own defense at a public hearing in  
 23 accordance with subsection (c) of this section.

24 (c) No local building official may be dismissed under subsection (b)  
 25 of this section unless [he] the official has been given notice in writing of  
 26 the specific grounds for such dismissal and an opportunity to be heard  
 27 in [his] the official's own defense, personally or by counsel, at a public  
 28 hearing before the authority having the power of dismissal. Such public  
 29 hearing shall be held not less than five or more than ten days after such  
 30 notice. Any person so dismissed may appeal within thirty days  
 31 following such dismissal to the superior court for the judicial district in  
 32 which such town, city or borough is located. Service shall be made as in  
 33 civil process. The court shall review the record of such hearing and if it  
 34 appears that testimony is necessary for an equitable disposition of the  
 35 appeal, it may take evidence or appoint a referee or a committee to take  
 36 such evidence as the court may direct and report the same to the court  
 37 with [his or its] the referee's or committee's findings of fact, which report  
 38 shall constitute a part of the proceedings upon which the determination  
 39 of the court shall be made. The court may affirm the action of such  
 40 authority or may set the same aside if it finds that such authority acted  
 41 illegally or abused its discretion.

42 (d) Each municipality shall become a member of the International  
 43 Code Council and shall pay the membership fee.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2022	29-260
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**PS**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

This bill authorizes a municipality to extend an acting building official's appointment for 180 days or until the appointment of a permanent successor, whichever is earlier. Current law limits an acting building official's appointment to a single term of up to 180 days. This bill has no fiscal impact on the state or municipalities.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 166*****AN ACT CONCERNING THE PERIOD OF SERVICE OF AN ACTING BUILDING OFFICIAL.*****SUMMARY**

This bill authorizes municipal chief executive officers (CEO) to extend an acting building official's appointment for 180 days or until the appointment of a permanent successor, whichever is earlier. By law, municipal CEOs may appoint an acting official to fill a vacancy left by the building official if he or she dies, retires, becomes disabled, loses his or her license, or is dismissed. Current law limits an acting building official's appointment to a single term of up to 180 days.

By law, local building officials administer the State Building Code. They are generally appointed by the municipality's CEO and serve four-year terms. Acting building officials must be licensed building officials.

EFFECTIVE DATE: July 1, 2022

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23    Nay 0    (03/08/2022)